

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14758 of 2004

Between:

Ch.Veeraiah, S/o Narsaiah,
R/o 1-1-506/B/3, Sri Sai Nagar, Suryapet, Nalgonda District

..... PETITIONER

AND

- 1 APSRTC, Musheerabad, Hyderabad rep.by its Managing Director
- 2 APSRTC, Bus Depot, Suryapet, Nalgonda District
rep.by its Depot Manager

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate Writ or direction particularly one in the nature of Writ of Mandamus and quash the impugned proceeding No.02/62/DS(71)/90-SRPT dated 18-01-1991 as arbitrary, in violation of principles of natural justice and also in violation of Reg.12(2) of C.C.& A Reg.1967 and consequently direct the respondents to extend all the consequential benefits in the interest of justice and fair play

Counsel for the Petitioner: MR.V.NARASIMHA GOUD

Counsel for the Respondents: MR.K.HARINATH (SC FOR APSRTC)

The Court at the stage of admission, made the following :

ORAL ORDER

The petitioner is working as a Conductor in the respondent-Corporation. He was charged for an irregularity in issuing tickets to the passengers. He submitted his explanation. The second respondent passed an order on 18-01-1991 without conducting any enquiry by imposing a penalty of withholding two annual increments with cumulative effect. He further submitted that since it is a major punishment, it cannot be maintained unless it is imposed after holding an enquiry and giving an opportunity to the petitioner. After 13 years, the petitioner approached this Court through the present writ petition seeking to quash the order dated 18-01-1991. There are apparently latches of delay on the part of the petitioner, but, since an illegality was committed by the respondents, this Court is inclined to consider his request and to pass appropriate orders.

Since the punishment imposed on the petitioner is a major punishment, in view of the judgment of the Supreme Court in KULWANTH SINGH GILL VS. THE STATE OF PUNJAB, the said order cannot be sustained. Therefore, the impugned order is liable to be set aside. But, since there is long lapse of time, this Court is of the opinion that it would be appropriate if the punishment imposed on the petitioner is treated as withholding of two increments without cumulative effect. The petitioner is not entitled for the difference of the amount if any by virtue of this Order, but, he is entitled to get the increments on notional calculation from the date of this Order to which he is entitled, had he not been imposed the penalty of stoppage of two increments with cumulative effect.

The writ petition is accordingly disposed of. No order as to costs.

19TH AUGUST 2004

*TSNR

To

1. The Managing Director, A.P.S.R.T.C, Musheerabad, Hyderabad.
2. The Deport Manager, Bus Depot, Suryapet, Nalgonda District

3 Two C.D.Copies

